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C O N F I D E N T I A L BAKU 000330

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DEPARTMENT FOR EUR/CASC
CA/OCS/CI: ATTN. CHRISTOPHER LAMORA, K. HANAKO DOHERTY AND
RACHEL HAWKINS
FRANKFURT FOR RCO RUSSEL BROWN

E.O. 12958: DECL: 03/19/2017
TAGS: [AJ](#) [CASC](#) [GG](#) [KJUS](#) [PREL](#) [TSPL](#)
SUBJECT: AZERBAIJAN: EIGHT AMERICAN FAMILIES CAUGHT IN
ADOPTION MORATORIUM

REF: BAKU 288

Classified By: Charge d'Affaires Jason Hyland, reasons 1.4 b and d.

11. (C) Summary: Intercountry adoptions in Azerbaijan have effectively stopped since the end of 2006 due to changes to the adoption legislation which made no provision for completing currently pending cases. A number of American prospective parents have been caught in the resulting legal vacuum. We have been working closely with GOAJ authorities at all levels to facilitate "grandfathering" of the current caseload; the Ambassador raised this issue most recently with the President of Azerbaijan on February 27. Last week, however, a new central governmental authority, the State Committee on Women's and Children's Issues, was designated under the Hague Convention on Intercountry Adoptions, making it unlikely that the GOAJ will act under the old rules. We recommend that this matter be raised as an important humanitarian issue with the Azerbaijani Foreign Minister during his March 21-23 visit to Washington to underline the USG's continued strong interest in quick resolution of the pending American adoption cases in keeping with President Aliyev's February 27 commitment to address this issue. End Summary.

12. (U) Intercountry adoptions in Azerbaijan have effectively stopped since the end of 2006, due to changes to the legislation governing the process which were intended to bring domestic legislation into line with the Hague Convention on Intercountry Adoptions. The new GOAJ rules, however, made no provision for completing currently pending cases and did not name a new responsible governmental body under the Convention. The Ministry of Justice, operating in the framework of the State Adoption Commission, thus has declined since early December 2006 to approve eight pending and nearly-completed American adoption cases. Most of these pending cases are of special humanitarian concern on health grounds; one U.S. family has been waiting since before a previous, March 2004 adoption suspension to adopt a needy Azerbaijani child. A similar number of other American families, whose cases are in earlier stages of the (old) adoption process, also have been caught in the legal vacuum and resulting bureaucratic suspension.

13. (C) We have been working closely with GOAJ authorities at a number of levels to facilitate a legal, fair and humane "grandfathering" of the current caseload under the old rules. The Ambassador raised this issue most recently in separate February 27 meetings with President Aliyev and the head of the State Committee on Women's and Children's Issues.

President Aliyev said he would "give instructions" (see reftel). We have argued that, as legislative changes made no provision for completing current cases, it was unjust and unnecessary to subject families to indefinite delays while new procedures were worked out. Last week, the State Committee on Women's and Children's Issues was finally designated as the new central governmental authority under the Hague Convention, in place of the now-defunct State Adoption Commission. It remains unclear when the State Committee will be up and running and when it will be capable of making decisions on the pending cases.

¶4. (C) Contacts throughout the GOAJ have hinted that it is unlikely the GOAJ will "grandfather" the pending cases under the old rules, now that the new central authority has been designated. While working-level contacts in the GOAJ continue to provide a sympathetic ear, and indicate positive resolution can be expected, no specifics or timeline for action are known at this time. It appears that a further presidential directive, followed by administrative processing under the new rules, will be required in order for the State Committee to resolve the pending cases. In 2006, ten American adoption cases were completed after the previous, March 2004 temporary suspension of international adoptions was lifted, with President Aliyev's support, in summer 2005.

¶5. (SBU) Comment and Action Request: In view of the latest developments, we recommend that the issue of intercountry adoptions be raised during the Azerbaijani Foreign Minister's March 21-23 meetings at the Department, in order to underline the USG's strong interest in quick resolution of pending American adoption cases, in full accordance with domestic legislation, and in keeping with the provisions of the Hague Convention on Intercountry Adoptions.

HYLAND